

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

**Proposing rule making related to signs
and providing an opportunity for public comment**

The Department of Transportation hereby proposes to amend Chapter 131, “Signing on Primary Highways,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 307.12 and 314.31.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 314.31 and 321.252.

Purpose and Summary

This proposed rule making updates Chapter 131 to comply with 2020 Iowa Acts, Senate File 388, sections 1 and 2; corrects the name of the Traffic and Safety Bureau; and makes editorial changes to the introductory paragraphs of several rules for consistency within the chapter.

2020 Iowa Acts, Senate File 388, adds section 314.31 to the Iowa Code. This section requires the Department to adopt rules to define the procedures and requirements for private entities to purchase and pay for the installation of signs designating the Iowa Medal of Honor Highway. This highway is defined as the segment of United States Highway 20, as designated as of June 17, 2020, which crosses Iowa from Sioux City to Dubuque.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa. The number of signs that will be installed on the Iowa Medal of Honor Highway is limited, and the cost and installation of the signs will be paid for by private entities.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the person’s circumstances meet the statutory criteria for a waiver may petition the Department for a waiver under 761—Chapter 11.

Public Comment

Any interested person may submit written comments concerning this proposed rule making or may submit a written request to make an oral presentation at a public hearing. Written comments or requests to present oral comments in response to this rule making must be received by the Department no later than 4:30 p.m. on December 22, 2020. Comments should be directed to:

Tracy George
Department of Transportation
DOT Rules Administrator, Strategic Communications and Policy Bureau
800 Lincoln Way
Ames, Iowa 50010
Email: tracy.george@iowadot.us

Public Hearing

If requested, a public hearing to hear oral presentations will be held on December 28, 2020, via conference call from 9 to 10 a.m. Persons who wish to participate in the conference call should contact Tracy George before 4:30 p.m. on December 22, 2020, to facilitate an orderly hearing. A conference call number will be provided to participants prior to the hearing.

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact Tracy George, the Department's rules administrator, and advise of specific needs.

The public hearing will be canceled without further notice if no oral presentation is requested.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Strike "office of traffic safety" wherever it appears in rules **761—131.1(321)** to **761—131.3(321)** and **761—131.6(321)** to **761—131.8(321)** and insert "traffic and safety bureau" in lieu thereof.

ITEM 2. Amend rule 761—131.2(321), introductory paragraph, as follows:

761—131.2(321) Erection of signs for numbered business routes. ~~The purpose of this~~ This rule is to establish ~~establishes~~ signing requirements, responsibilities and procedures for the erection of signs for numbered business routes.

ITEM 3. Amend rule 761—131.3(321), introductory paragraph, as follows:

761—131.3(321) Erection of signs for schools. ~~The purpose of this~~ This rule is to establish ~~establishes~~ requirements and procedures for the erection of signs for schools.

ITEM 4. Amend rule 761—131.4(321), introductory paragraph, as follows:

761—131.4(321) Erection of camping service signs on interstate highways. ~~The purpose of this~~ This rule is to establish ~~establishes~~ requirements and procedures for the erection of camping service signs.

ITEM 5. Amend rule 761—131.5(321), introductory paragraph, as follows:

761—131.5(321) Erection of signs for sanitary landfills. ~~The purpose of this~~ This rule is to establish ~~establishes~~ requirements and procedures for the erection of signs for sanitary landfills.

ITEM 6. Amend rule 761—131.6(321), introductory paragraph, as follows:

761—131.6(321) Erection of signs for special events. ~~The purpose of this~~ This rule is to establish ~~establishes~~ requirements, procedures and responsibilities for the erection of signs for special events.

ITEM 7. Amend rule 761—131.7(321), introductory paragraph, as follows:

761—131.7(321) Erection of signs for organized off-highway camps. ~~The purpose of this~~ This rule is to establish ~~establishes~~ requirements, procedures and responsibilities for the erection of signs for organized off-highway camps.

ITEM 8. Amend rule 761—131.8(321), introductory paragraph, as follows:

761—131.8(321) Erection of signs for county conservation parks. ~~The purpose of this~~ This rule is to establish ~~establishes~~ requirements, procedures and responsibilities for the erection of signs for county conservation parks.

ITEM 9. Amend rule 761—131.9(321), introductory paragraph, as follows:

761—131.9(321) Erection of no parking signs. ~~The purpose of this~~ This rule is to establish ~~establishes~~ procedures and conditions for the erection of no parking signs on rural primary highways.

ITEM 10. Adopt the following new rule 761—131.11(314):

761—131.11(314) Signing for Iowa medal of honor highway. This rule establishes the procedures and requirements for private entities to purchase and pay for the installation of signs designating the Iowa medal of honor highway.

131.11(1) Definition. “*Iowa medal of honor highway*” means the segment of the highway known as United States Highway 20, as designated as of June 17, 2020, which crosses this state from Sioux City to Dubuque.

131.11(2) Requirements.

a. The number of signs within the highway right-of-way shall be limited to one sign at each end of the Iowa medal of honor highway for traffic entering the state and one sign at each entry point of the corporate limits of each city through which the Iowa medal of honor highway passes.

b. Each sign shall match the design approved and provided by the department, and the sign materials shall comply with departmental standard specifications as they exist at the time of fabrication. The departmental standard specifications can be found through the department’s electronic reference library available on the department’s website at www.iowadot.gov.

c. Once signs are installed at one of the approved locations, no additional requests will be accepted for that location. When signs have been installed at all locations identified in paragraph 131.11(2)“*a.*” no further requests will be accepted.

d. The applicant may purchase a sign from the department’s sign shop or any other private sign shop. If an applicant chooses to obtain a sign from a private sign shop, the department will furnish the sign design and approve the construction prior to purchase. The department will also inspect the sign as stated in subrule 131.11(5).

e. Signs designating the Iowa medal of honor highway shall be furnished and paid for by the applicants, including any replacements needed due to sign deterioration or damage. The applicant is responsible for providing the traffic and safety bureau with the applicant’s current contact information so the applicant can be contacted when a replacement sign is needed. Failure to comply with this requirement may result in removal of all signs the applicant purchased. This would allow a new private entity to sponsor the signing.

f. The applicant shall be responsible for the cost to install the sign, including the posts and hardware. Payment to the department must be received prior to the installation of the sign.

g. The department shall install the sign.

131.11(3) Procedures.

a. A written request to purchase or install a sign shall be submitted to the traffic and safety bureau.

b. The request shall contain the following:

(1) The applicant’s name and contact information.

(2) A description of the location where the sign is to be installed.

(3) If the sign will be purchased from the department or a private sign shop.

131.11(4) Approval. If the request complies with this rule, the traffic and safety bureau shall respond to the applicant with approval of the proposed location or modified location and an estimate of the costs for the sign and installation. Following inspection of the sign in compliance with subrule 131.11(5) and receipt of payment, the department shall install the sign.

131.11(5) Inspection. If a sign is not purchased from the department sign shop, the applicant shall deliver the sign to the department sign shop for inspection. Upon receipt of the sign, the department shall inspect the sign for compliance with the approved sign design and departmental specifications and notify the applicant.

ITEM 11. Amend rule 761—131.15(321) as follows:

761—131.15(321) Information and address. Information regarding the signing addressed in this chapter is available from: ~~Office of~~ Traffic and Safety Bureau, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010. Submissions to the ~~office of~~ traffic and safety bureau shall also be sent or delivered to this address.

ITEM 12. Amend **761—Chapter 131**, implementation sentence, as follows:

These rules are intended to implement Iowa Code sections 314.31, 321.252 and 321.253.